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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SARAH LEBRON, o/b/o M.L.,

:
13cv9140

Plaintiff, :

ORDER

-against- :

CAROLYN COLVIN, Commissioner of :
Social Security :

Defendant. :

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WILLIAM H. PAULEY III, District Judge:

Plaintiff Sarah Lebron, on behalf of her minor child, filed this action seeking review of the final decision of the Administrative Law Judge ("ALJ"), Zachary S. Weiss, denying Plaintiff supplemental security income disabled child benefits under the Social Security Act on the ground that Plaintiff's minor child's impairments do not constitute a disability for the purposes of the Act. On May 16, 2014, Plaintiff moved for a judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, asking the Court to reverse the ALJ's decision, or in the alternative, remand for further administrative proceedings. On June 12, 2014, the Defendant cross-moved for judgment on the pleadings, asking the Court to affirm the decision of the ALJ. In a Report and Recommendation dated December 22, 2014 ("the Report"), Magistrate Debra Freeman recommended that this Court grant Plaintiff's motion and remand for further proceedings, and that, upon remand, the case be assigned to a different ALJ. Neither party has objected to the Report. This Court finds that the Report is not facially erroneous, and affirms and adopts it. Accordingly, Plaintiff's motion is granted, the Defendant's motion is denied, and this case is remanded for further administrative proceedings before a different ALJ.

The Clerk of the Court is directed to mark this case closed.

DATED: March 16, 2015
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

All Counsel of Record.